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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,111	05/11/2001	Edwin Wong	40101/02301	7404
30636 7590 11/16/2007 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER MITCHELL, JASON D	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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09854111	5/11/01	WONG ET AL.	40101/02301

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EXAMINER

Jason Mitchell

ART UNIT	PAPER
2193	20071101


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Commissioner for Patents

Appellant failed to timely respond to the examiner's answer mailed on 8/25/06 that included a new ground of rejection mailed on 8/25/06. Under 37 CFR 41.39(b), if an examiner's answer contains a rejection designated as a new ground of rejection, appellant must, within two months from the date of the examiner's answer, file either: (1) a request that prosecution be reopened by filing a reply under 37 CFR 1.111; or (2) a request that the appeal be maintained by filing a reply brief under 37 CFR 41.41 addressing each new ground of rejection, to avoid *sua sponte* dismissal of the appeal as to the claims subject to the new ground of rejection. In view of appellant's failure to file a reply under 37 CFR 1.111 or a reply brief within the time period required by 37 CFR 41.39, the appeal as to claims 1-6 and 12-16 is dismissed, and these claims are canceled.

Only claims 7-11 remain in the application. The appeal continues as to these remaining claims. The application will be forwarded to the Board after mailing of this communication.


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100